

WILLIAMSBURG SUBDIVISION ORDINANCE

ARTICLE I. IN GENERAL

Sec. 25-1. Application of chapter.

The regulations contained in this chapter are adopted for the subdivision of land situated within the corporate limits of the city.

Sec. 25-2. Definitions.

The following words and phrases when used in this chapter shall have the meanings respectively ascribed to them in this section except in those instances where the context clearly indicates a different meaning:

Development plan: Fully engineered construction drawings addressing all development issues and construction details and from which a determination can be made on the adequacy of the lot layout, design elements and facilities proposed.

Final plat plan: "Final plat plan" means the record subdivision map drawn according to specifications approved by sections 25-36 to 25-39, which must be approved by the plat-approving authorities of the city and the county or by their designated agents before it can be filed for recordation by the clerk of court.

Governing bodies: The city council is the governing body of the city.

Lot: A parcel of land occupied or intended to be occupied by one main building and accessory buildings and uses, including the open spaces required by this chapter.

Lot, corner: A lot abutting upon two (2) or more streets at their intersection.

Lot, depth of: The mean horizontal distance between the front and rear lot lines.

Lot, double frontage: An interior lot having frontage on two (2) streets.

Lot, interior: A lot other than a corner lot.

Lot of record: A lot which has been recorded in the office of the clerk of court.

Lot, width of: The mean horizontal distance between the side lot lines.

Plat-approving authority: The city council or its designated agent shall be the plat-approving authority.

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Preliminary plat: "Preliminary plat" is the master plan for the proposed subdivision, as required by sections 25-29.1 to 25-29.7, submitted for review and approval by the plat-approving authority.

Shall: The word "shall" is mandatory and not directory.

Subdivision: A subdivision is the division of a lot tract or parcel of land into two or more lots or other divisions of land for the purpose, whether immediate or future, of sale or building development; provided, that divisions of land for agricultural purposes in parcels of more than five acres, not involving any new street or easement of access, shall be exempted; provided further, that the division of any lot or parcel of land containing less than one acre, not involving any new street or easement of access, shall be exempted.

Sec. 25-3. Plats required to be submitted for approval.

(a) Whenever any owner or proprietor of land within the city's corporate limits desires to subdivide the same, he shall submit a preliminary plan of the proposed subdivision for approval by the plat-approving authority or a designated agent. A final plat shall be submitted for approval by the plat-approving authority or a designated agent prior to its recordation in the office of the clerk of the court wherein deeds conveying such land are required by law to be recorded.

(b) Whenever any owner or proprietor of land within the city desires to subdivide the same, he shall submit preliminary plats, development plans, and final plats, as required by sections 25-29.1 to 25-39, for the approval in accordance with the provisions of this chapter. All plans shall be submitted to the Planning Department.

Sec. 25-4. General requirements and principles to be observed.

The following general requirements and principles of land subdivision shall be observed in preparing the preliminary and final subdivision plats:

(a) *Matters to be considered by plat-approving authority.* The plat-approving authority shall consider the requirements of the community and the best use of the land being subdivided, as set forth in the comprehensive plans of the city or the county, if any exist. Particular attention shall be given to width, arrangement and locations of streets and alleys or utility easements, to drainage, to lot sizes and arrangement and to other facilities, such as parks, playgrounds or school sites, boulevards and main highways.

(b) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements of section 30-20.

(c) *Standards which govern in case of conflict.* Any provisions of this chapter requiring higher standards than are required in any other statute, local ordinance or

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regulation shall govern; but the provisions of any other statute, local ordinance or regulation requiring higher standards than those contained herein shall govern.

(d) *Provision for access independent of adjoining owners.* Where parcels of land are subdivided into larger lots than building lots, such parcels shall be divided so as to allow for the opening and future extension of adjacent local streets. Where parcels are so divided, each lot indicated shall be of such size and shape as to permit any individual owner to resubdivide, giving each lot legal access independent of the adjoining owners.

(e) *Variation of requirements.* The plat-approving authority may reduce or waive a subdivision ordinance requirement in particular cases when a property owner can show that the property was acquired in good faith and where by reason of the special or unusual size, shape, topography or other special or unusual condition of the specific property or of the use and development of immediately adjacent property, the strict application of the terms of the subdivision ordinance would effectively prohibit or unreasonably restrict the ability to subdivide the property; or where the plat-approving authority is satisfied, upon the evidence heard by it, that the reduction or waiver of a subdivision ordinance requirement will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege sought by the applicant. All reductions or waivers of requirements shall be in harmony with the intended spirit and purpose of the subdivision ordinance. No reduction or waiver shall be approved unless it is found by the plat-approving authority that:

- (1) The strict application of the subdivision ordinance would result in substantial hardship;
- (2) That such hardship is not shared generally by adjacent properties;
- (3) That the granting of such reduction or waiver will not be of substantial detriment to adjacent property; and
- (4) That the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the subdivision ordinance.

Sec. 25-5. Amendments to chapter.

Amendments to this chapter may be made according to the procedure provided by section 30-5.

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ARTICLE II. SUBDIVISION DESIGN STANDARDS.

Sec. 25-6. Relation of streets to existing street system; through streets; street names.

(a) The arrangement of streets in new subdivisions shall make provision for the continuation of the principal existing streets in adjoining areas (or their proper projection where adjoining land is not subdivided) insofar as they may be deemed necessary by the plat-approving authority for public requirements. The width of such streets in new subdivisions shall be not less than the minimum widths established herein. The street and alley arrangement shall be such as not to cause a hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. In general, provisions should be made for through streets at intervals not exceeding a half mile. Offset streets should be avoided. The angle of intersection between streets should not vary more than ten degrees from a right angle.

(b) Streets obviously in alignment with existing streets shall bear the names of the existing streets. All proposed street names shall be checked against duplication of other street names.

Sec. 25-7. Widths of streets and alleys; dead-end alleys; reserved strips restricting access.

(a) The widths of major highways shall conform to the widths designated on the major street plan.

(b) The minimum right of way width for minor streets shall be fifty (50) feet; however, this width may be reduced by the plat-approving authority if such reduction is approved by the Virginia Department of Transportation.

(c) Alleys are not recommended, except under very unusual conditions, in a residential block. When provided, a minimum width of fifteen feet shall be required, and all dead-end alleys shall terminate in a twenty-foot radius. Alleys are required in the rear of all business lots and shall be at least twenty feet wide. A five-foot cut-off shall be made at all acute-angle alley intersections.

(d) Reserved strips restricting access to streets or alleys will not be permitted.

Sec. 25-8. Easements for poles, wires, sewers, etc.

Easements of at least five feet in width shall be provided on each side of all rear lot lines and along side lot lines, where necessary, for poles, wires, conduits, storm and sanitary sewers, gas, water or other mains. Easements of greater width may be required along or across lots where necessary for the extension of main sewers or other utilities or where both water and sewer lines are located in the same easement.

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Sec. 25-9. Blocks.

(a) No block shall be longer than one thousand two hundred feet between cross streets. Blocks over one thousand feet in length shall have a crosswalk at least ten feet in width near the center of the block.

(b) In platting residential lots containing less than fifteen thousand square feet, the depth of the block should not exceed three hundred feet.

Sec. 25-10. "Places"

Where a tract of land is of such size or location as to prevent a lot arrangement directly related to a normal street arrangement, there may be established one or more "places." Such place may be in the form of a court, a dead-end street or other arrangement; provided, that proper access shall be given to all lots from a dedicated place (street or court). A dead-end street or place shall terminate in an open space (preferably circular) having a minimum radius of fifty feet. A dead-end street or place shall not exceed one thousand (1,000) feet in length.

Sec. 25-11. Lots.

(a) *Arrangement and design generally.* The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, properly related to topography and the character of surrounding development.

(b) *Side lines; double frontage.* All side lines of lots shall be at right angles to straight street lines and radial to curved street lines except where a variation of this rule will provide a better street and lot layout: Lots with double frontage shall be avoided.

(c) *Minimum width; maximum depth.* The minimum width of residential lots shall be fifty (50) feet at the building lines. No lot shall have a depth greater than three (3) times its width at the building line, except where a variation to this rule will provide a better street and lot layout. No lot shall have an area less than that required by Chapter 30.

(d) *Extra width of certain corner lots.* Where corner lots rear upon lots facing the side street, the corner lots shall have extra width sufficient to permit the establishment of front building lines on both the front and side of the lots adjoining the streets.

(e) *Radius or chord where lot on street intersection.* Lots on major street intersections and at all other acute-angle intersections which, in the opinion of the plat-approving authority or its designated agent, are likely to be dangerous to traffic movement shall have a radius of twenty (20) feet at the street corner. On business lots a chord may be substituted for the circular arc.

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Sec. 25-12. Building lines.

(a) Building lines shall be shown on all lots intended for residential use of any character and on commercial or industrial lots immediately adjoining residential areas. Such building lines shall not be less than required by any zoning or building line regulations applying to the property. Where the subdivided area is not under zoning control, the subdivider shall establish building lines in accordance with the needs of each development, but in no case shall such building lines be less than twenty-five (25) feet from the right-of-way of the street or highway upon which the lot fronts. Restrictions requiring buildings to be set back to such building lines shall be shown on the plat.

(b) Except where zoning regulations apply, restrictions shall also be made, and shown on or referred to on the plat, requiring all residential buildings to be set at least five (5) feet off each side lot line and not less than twenty-five (25) feet from rear lot lines.

Sec. 25-12.1. Construction on slopes in excess of 30 percent.

The construction of streets, utilities or stormwater management facilities on slopes in excess of 30 percent shall be prohibited, unless waivers are granted by the plat-approving authority in accordance with section 25-4(e).

Sec. 25-13. Type and character of development; deed restrictions and provisions required therein; trust agreement for maintenance of facilities.

(a) The plat-approving authority or its designated agent shall confer with the subdivider regarding the type and character of development that will be permitted in the subdivision and may agree with the subdivider as to certain minimum restrictions to be placed upon the property to prevent the construction of substandard buildings and to control the type of structures or the use of lots which, unless so controlled, would clearly depreciate the character and value of the proposed subdivision and of adjoining property. Deed restrictions or covenants should provide for the creation of a property owners' association or board of trustees for the proper protection and maintenance of the development in the future; provided that such deed restrictions or covenants shall not contain reversionary clauses wherein any lot shall return to the subdivider because of a violation thereon of the terms of the restrictions or covenants. No subdivision plat shall be approved subsequent to the date of this amendment unless accompanied by a restrictive covenant, to be recorded therewith among the land records of the city, requiring underground installation by all lots owners of all utility customer service lines and facilities located upon their respective lots; provided, however, that meters, service connections and similar equipment normally attached to the outside wall of the premises served may continue to be so installed. Said restrictive covenant shall be enforceable by the city or by any lot owner in the subdivision.

(b) Where the subdivision contains sewers, sewage treatment plants, water supply systems, park areas, street trees or other physical facilities necessary or

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desirable for the welfare of the area and which are of common use or benefit and are not or cannot be satisfactorily maintained by an existing public agency, provision shall be made by trust agreement, made a part of the deed restrictions, acceptable to any agency having jurisdiction over the location and improvement of such facilities, for the proper and continuous maintenance and supervision of such facilities.

Sec. 25-14. Provision for school sites, parks, playgrounds, etc.

In subdividing property, consideration shall be given to suitable sites for schools, parks, playgrounds and other common areas for public use so as to conform to any recommendations of the city plan. Any provision for schools, parks and playgrounds should be indicated on the preliminary plan in order that it may be determined when and in what manner such areas will be provided or acquired by the appropriate taxing agency.

Sec. 25-15. Easements along streams.

Whenever any stream or important surface drainage course is located in an area which is being subdivided, the subdivider shall provide an adequate easement along each side of the stream for the purpose of widening, deepening, sloping, improving or protecting the stream or for drainage, parkway or recreational use.

Sec. 25-16. Streets in subdivision contiguous to railroad.

A subdivision plat contiguous to a railroad shall plan streets so as to anticipate grade crossings or to provide an area for industrial or commercial uses or to provide a barrier strip for planting and landscaping.

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ARTICLE III. IMPROVEMENTS

Sec. 25-17. Installation in accordance with article.

Improvements shall be installed by the subdivider in accordance with the minimum requirements and regulations setout in this article.

Sec. 25-18. Grading and surface of streets.

Streets shall be graded to the full width and constructed with an all-weather surface material, for a minimum width of thirty (30) feet, in accordance with city or state highway specifications in effect at the time. However, the width may be reduced by the plat-approving authority if such reduction is approved by the Virginia Department of Transportation.

Sec. 25-19. Curbs and gutters.

Curbs and gutters shall be constructed on both sides of all streets.

Sec. 25-20. Sidewalks.

Sidewalks shall be constructed on both sides of streets; however, the plat-approving authority may approve sidewalks on one side of the street, or eliminate sidewalks, where it is determined that they are not necessary for pedestrian safety and circulation. Connection shall be made to existing public sidewalks contiguous to the subdivision, or the sidewalk shall be located to allow connection to future sidewalks as designated in the adopted Comprehensive Plan. The arrangement of sidewalks in new subdivisions shall provide for the planned continuation of proposed sidewalks into adjoining undeveloped areas, even when no street connections are planned, to ensure that all subdivisions are connected to the public sidewalk system.

Sec. 25-21. Storm sewers.

Every subdivision shall be provided with a storm water drainage system adequate to serve the area being platted.

Sec. 25-22. Water system.

Every subdivision shall be provided with a complete water distribution system adequate to serve the area being platted.

Sec. 25-23. Sewage system.

Every subdivision shall be provided with a sanitary sewage-disposal system.

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(a) When a public sanitary sewer main is reasonably accessible, in the opinion of the city manager, the subdivision shall be provided with a complete sanitary sewer system connected with such sewer main, including a lateral connection for each lot.

(b) When a public sanitary sewer is not accessible, in the opinion of the city manager, proper provision shall be made for the disposal of sewage, to be approved by the district health officer.

Sec. 25-24. Placement of poles or underground conduits; undergrounding of utilities required in new subdivisions.

(a) Poles or underground conduits for electric lights or telephone lines shall be placed in alleys or easements provided along rear or side lot lines wherever this is practical.

(b) All transmission and distribution utility facilities, carrying or used in connection with electric power, telephone, telegraph, cable television, petroleum, gas or steam, installed within the boundaries of any subdivision, the final plat of which is approved subsequent to the effective date of this amendment [October 13, 1977] shall be placed below the surface of the ground; provided that equipment such as electric distribution transformers, primary express or bulk power supply feeders for potential future need, 35-kilovolt transmission and above, switchgear, meter pedestals, and telephone pedestals, which are normally installed aboveground in accordance with accepted utility practices for underground distribution systems may be so installed.

Sec. 25-25. Reference monuments.

Permanent reference monuments shall be either concrete blocks at least twenty (20) inches long by six (6) inches square, with a cast-iron corner, or stone of the same dimensions and shall be set to approved grades where practicable. Monuments shall be set at street corners, at all points of curve, all points of tangent and such other points as may be required by the plat-approving authority.

Sec. 25-26. Street name signs.

Street name signs, of a type meeting the approval of and in locations designated by the city manager and city planning commission, shall be erected at each highway, thoroughfare and street intersection.

Sec. 25-27. Completion of improvements; performance bond.

(a) All of the improvements required under this chapter shall be completed prior to the filing with the plat-approving authority of the plat for final approval and prior to recordation.

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(b) In lieu of completing the improvements required, the subdivider shall furnish a performance bond satisfactory to the legal representative of the city council and sufficient to cover the cost of any or all of the improvements which this chapter requires the subdivider to install.

Sec. 25-28. Supervision of installation; approval of water and sewer systems.

All of the improvements required by this chapter shall be installed in accordance with the specifications of the city or county and under the supervision of the city manager. In the area of joint control, the improvements shall be installed under the supervision of the city manager or of an engineer designated by the county governing body. All water and sanitary sewer systems shall also be approved by the district health officer.

Sec. 25-29. Construction plans.

Construction plans for improvements to be installed shall be furnished in accordance with the specifications of the city or county having jurisdiction and shall be approved by the city manager before improvements are installed. Such plans shall show:

(a) The profiles along both sides and the center of each street, at a scale of one (1) inch equals five (5) feet vertical and one (1) inch equals fifty (50) feet horizontal, with tentative grades indicated.

(b) A typical cross-section of each proposed street at a scale of one (1) inch equals one (1) foot vertical and one (1) inch equals five (5) feet horizontal, showing the width of the pavement, the location and width of sidewalks and the location of utility mains.

(c) The plans and profiles of proposed sanitary sewers and storm sewers at a scale of one inch equals fifty feet or one inch equals one hundred feet, with grades and sizes indicated, or the method of sanitary sewage disposal and storm water disposal, in lieu of sanitary sewers or storm water sewers, respectively.

(d) A plan of the proposed water distribution system, showing pipe sizes and the location of valves and fire hydrants or other system of water supply.

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ARTICLE IIIA. PRELIMINARY SUBDIVISION PLAT

Sec. 25-29.1. Purpose.

The preliminary plat review process is an opportunity for the subdivider to present a conceptual master plan for a subdivision for review and approval. This review allows the subdivider to understand and anticipate subdivision design related issues and requirements prior to the submittal of the detailed development plan and the expenditure of substantial funds on engineering design. This review also allows the City staff, Planning Commission, City Council and citizens to comment on the subdivision design in its preliminary stages. Review of the preliminary plat (master plan) shall be based upon the standards contained in this Subdivision Ordinance and the Zoning Ordinance. Because of the importance of this review, it is made a requirement for all subdivision plats containing 25 or more lots.

Sec. 25-29.2. Intent.

The preliminary plat review is intended to examine the following:

- (1) The location, design, scope, type, density, physical characteristics and phasing of the proposed subdivision.
- (2) The impact of the proposed subdivision on adjacent property.
- (3) Compatibility of the proposed subdivision with the Comprehensive Plan, adopted master facilities plans, the capital improvements program, and plans for the development of neighboring properties.
- (4) Compatibility of proposed streets and transportation improvements with other existing and planned streets within the general area of the proposed development, and with the transportation section of the Comprehensive Plan.
- (5) Compatibility of the proposed subdivision with applicable ordinances, design guidelines and development criteria; and particularly those contained in the zoning district in which the subdivision is located, and the Chesapeake Bay Preservation requirements of the Zoning Ordinance (Chapter 21, Article VIII).

Sec. 25-29.3. When to be filed.

The preliminary plat shall be filed prior to the preparation of the development plan and/or final plat.

Sec. 25-29.4. Development of portion of tract of land.

If the subdivider proposes to develop only a portion of the tract of land designated by the Comprehensive Plan as being served by an interconnected street system, or which will result in future extensions of streets proposed to be constructed in the initial development of a portion of the tract of land, a preliminary plat for the entire

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tract of land shall be required to be approved prior to approval of the development plan for the portion of the tract to be developed. An individual section or sections of the preliminary plat may be approved prior to the approval of the entire preliminary plat if it is determined that all issues affecting the individual section or sections and the entire preliminary plat have been satisfactorily resolved.

Sec. 25-29.5. Information required on preliminary plats.

Preliminary plats shall be prepared by an engineer, land surveyor, landscape architect, architect, city planner, land planner or others having training or experience in subdivision planning or design. The preliminary plat of the proposed subdivision, at a scale of not less than two hundred (200) feet to the inch, shall contain the following information:

- (1) Vicinity map at a scale of not less than 1 inch = 2000 feet.
- (2) The boundaries of the property by bearings and distances, the area of the property, a north arrow, and adjacent land owners.
- (3) The names, location and dimensions of all streets entering the property, adjacent to the property, or terminating at the boundary of the property.
- (4) The location of all recorded easements.
- (5) The width and approximate location of all proposed streets, including approximate grades when required by the Director of Public Works and Utilities.
- (6) The topography of the property with a maximum contour interval of five (5) feet. In cases of unusual topography, the Subdivision Administrator may require a contour interval of two (2) feet over all or a portion of the property.
- (7) Conceptual plans for water, sanitary sewer and storm sewer facilities, including preliminary profiles when required by the Director of Public Works and Utilities.
- (8) The location, area, and percentage of total land area of Resource Protection Areas (RPAs) and Resource Management Areas (RMAs) specified by Chapter 21, Article VIII, Chesapeake Bay Preservation.
- (9) The location of any required or proposed buffer areas.
- (10) The approximate limits of clearing and grading for the construction of all streets, utilities and stormwater management facilities.
- (11) Conceptual plans for stormwater management, including preliminary calculations for the Water Quality Impact Assessment required by Chapter 21, Article VIII, Chesapeake Bay Preservation.
- (12) A phasing plan if the subdivision is proposed to be developed in phases.
- (13) The gross acreages, and percentage of total land area, of the following physical land units, tabulated and computed by accurate planimetric methods at the preliminary plat scale:
 - a. Slopes less than 10%
 - b. Slopes from 10% but less than 20%
 - c. Slopes from 20% but less than 30%

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- d. Slopes 30% or more
- e. 100 year floodplains
- f. Wetlands
- g. Existing water features (bodies of water, drainage channels, streams, etc.)
- h. Above ground electric transmission line easements

These areas shall also be graphically identified on the concept plat. When acreages of these categories are not needed to calculate the permitted density, acreage breakdowns and the designation of categories within Resource Protection Areas and other buffer areas shall not be required.

- (14) Number of lots proposed, minimum lot areas and widths, and average lot area.
- (15) Total site area; and areas and percentage of total site area used for lots, streets and other areas to be dedicated or reserved.
- (16) When deemed necessary by the Planning Director, Planning Commission or City Council, the following information shall be provided:
 - a. A traffic impact analysis, showing the effect of traffic generated by the proposed subdivision on surrounding streets and neighborhoods.
 - b. A public utility analysis, showing the effect of the proposed subdivision on public water, sewer and/or storm drainage facilities.
 - c. An environmental impact analysis.
- (17) Such other reasonable information relating to the above listed factors that the Planning Director, Planning Commission or City Council deems necessary.

Sec. 25-29.6. Planning Commission action and public hearing.

(a) The Planning Commission shall review the preliminary plat, and, following the review, recommend to City Council the approval, approval with conditions, or disapproval of the preliminary plat, based upon the standards contained in this Subdivision Ordinance and the Zoning Ordinance. Any recommendation for disapproval shall set forth in writing the reasons for such denial and shall state what corrections or modifications will permit approval. Before taking action, the Planning Commission shall hold at least one (1) public hearing, after public notice as required by the Code of Virginia, Sec. 15.1 431.

(b) In addition to the notices required, there shall be posted upon the affected parcel or parcels, clearly visible from a public street, a sign containing the heading PUBLIC NOTICE prominently displayed in bold print. Such sign shall state the subdivision case number, and the telephone number of the Planning Department. Such notice shall be posted at least fourteen (14) days prior to the Planning Commission public hearing but failure to constantly maintain such sign on the property until the date of the Planning Commission public hearing shall not invalidate any resulting approval. An affidavit by the Planning Director or his agent stating that the sign was properly posted shall be prima facie evidence that the posting requirement was complied with.

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(c) The Planning Commission shall act on the preliminary plat within sixty (60) days after the date of the first Planning Commission meeting at which the preliminary plat meeting all the requirements of this article is presented, unless this requirement is waived by mutual consent between the subdivider and the Planning Commission.

Sec. 25-29.7. City Council action; approval or disapproval.

(a) The City Council shall review the preliminary plat following receipt of the Planning Commission's recommendation and, following the review, shall approve, approve with conditions, or disapprove the preliminary plat, based on the standards contained in this chapter.

(b) The City Council shall act on the preliminary plat within ninety (90) days after the date of the first Planning Commission meeting at which the preliminary plat meeting all the requirements of this article is presented, unless the requirement is waived by mutual consent between the subdivider and City Council.

(c) Approval of a preliminary plat shall expire 24 months after the date of approval by City Council unless a development plan has been filed with the Planning Director. When the subdivision is being developed in phases, the development plan for the first phase shall be filed within the stated time period. The Planning Commission, upon written request by the subdivider, may grant 12 month extensions of the preliminary plat approval. When the subdivision is being developed in phases, the preliminary plat shall remain valid so long as substantial construction work on public improvements for subdivision phases does not stop for more than 24 months.

Sec. 25-29.8. Development plan submittal following approval of preliminary subdivision plat.

Following the approval of the preliminary plat, the subdivider may submit the development plan for approval in accordance with Article IV, DEVELOPMENT PLANS. The development plan shall be substantially in accord with the approved preliminary plat.

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ARTICLE IV. PRELIMINARY PLAT.

Sec. 25-30. When to be filed.

Whenever a subdivision is proposed to be made and before any sale of such subdivision as a whole or any part thereof is made, or before any construction work, including grading, is started, the owner or proprietor of the proposed subdivision or his duly authorized representative shall file a development plan of the proposed subdivision with the Planning Commission for approval. The development plan and all procedures relating thereto shall in all respects be in full compliance with the provisions of this chapter and all applicable laws and ordinances affecting or regulating the subdivision of land, the use thereof and the erection of buildings or structures thereon.

Sec. 25-31. Development plan approval

(a) The Planning Commission shall review the development plan and, following the review, approve, approve with conditions, or disapprove the development plan based upon the standards contained in this chapter. When a preliminary plat is required by this chapter, the Commission shall not approve the development plan unless it finds that it is in substantial accord with the preliminary plat approved by City Council, and except for minor changes as allowed by Sec. 25-31(b) below. If the development plan is disapproved, the Commission shall set forth in writing the reasons for such denial and shall state what corrections or modifications will permit approval.

(b) Minor changes from the approved preliminary plat may be approved by the Planning Commission. A change shall be considered minor if it:

- (1) Does not change the general character of the approved preliminary plat.
- (2) Does not adversely effect the development or use of adjacent properties and surrounding neighborhoods.
- (3) Does not increase the approved number of lots.
- (4) Does not result in any substantial change to major external access points.

Any changes not authorized by this section shall require amendment of the preliminary plat in accordance with the procedures contained in this chapter for a new application.

(c) A decision to approve, approve with conditions, or disapprove the development plan shall be made within sixty (60) days after the date of the first Planning Commission meeting at which the development plan meeting all the requirements of this article is presented, unless waived by mutual consent between the subdivider and the Planning Commission.

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Sec. 25-32. Duty to proceed with improvements after approval.

The owner or proprietor of the subdivision, following approval of the development plan, shall:

(a) Secure from the appropriate authorities the necessary permits and proceed with the street and sanitary improvements or, in lieu of this

(b) Post a surety bond with the governing body, in an amount sufficient to cover the full cost of such improvements as estimated by the plat-approving authority or its designated agent, or a certified check may be deposited with the governing body in lieu of a surety bond.

Sec. 25-33. By whom prepared; number of copies.

Three copies (B-W blueprints) prepared by a registered professional engineer, landscape architect or registered land surveyor shall accompany an application in writing to the plat-approving authority for tentative approval of the subdivision.

Sec. 25-34. Vicinity sketch.

A vicinity sketch at a scale of four hundred feet or more to the inch shall be drawn on or accompany the preliminary plan, when necessary for identification of location, which shall show the relation of the proposed subdivision to known monuments or existing highways or thoroughfares and shall show roads, existing subdivisions and property lines within six hundred feet of the property proposed to be subdivided.

Sec. 25-35. Horizontal scale; details to be shown.

The horizontal scale of the development plan shall be one hundred feet or less to the inch and shall clearly show the following:

(a) The subdivision name, which shall not duplicate or closely approximate the name of any other subdivision within the area controlled by this chapter.

(b) The names and addresses of the recorded owner of the land proposed to be subdivided, the owner or proprietor of the subdivision and the surveyor.

(c) The location, widths and names of all existing or platted streets or other public ways within or adjacent to the subdivision, existing permanent buildings, railroad rights of way and other important features.

(d) The location and names of adjoining subdivisions and the names of the owners of adjoining acreage.

(e) The boundary lines, accurate in scale, of the tract to be subdivided.

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- (f) A profile of each street with tentative grades, if required.
- (g) All parcels of land intended to be dedicated or reserved for the public use or to be reserved in the deeds for the common use of property owners in the subdivision, with the purpose, condition or limitations of such dedication or reservation indicated.
- (h) The width and location of all easements and the location of all setback lines.
- (i) The layout, numbers and dimensions of proposed lots.
- (j) The proposed method of water supply and sewage disposal, including existing sewers, water mains, culverts and other underground structures within the tract and in immediately adjacent streets, with pipe sizes and grades indicated.
- (k) The proposed use of the property proposed to be subdivided.
- (l) The location of zoning district lines, if any.
- (m) A topographic map at a suitable scale and contour interval, when required by the plat-approving authority.
- (n) Date, north point (true meridian where practicable) and scale.

ARTICLE V. FINAL PLAT.

Sec. 25-36. When to be filed.

Upon completion of all the improvements required by this chapter, or the posting of a satisfactory surety bond or a certified check sufficient to cover the cost of all improvements, the owner or proprietor shall file with the plat-approving authorities the final or record plat of the subdivision for final approval.

Sec. 25-37. Final plat approval.

(a) The Planning Director shall review the final plat and, if the final plat is in compliance with the provisions of this chapter and is in substantial accord with the development plan approved by the Planning Commission, shall approve the final plat for recordation.

(b) A decision to approve or disapprove the final plat shall be made within sixty (60) days of the submittal of the final plat meeting all the requirements of this article to the Planning Director unless this requirement is waived by mutual consent between the subdivider and the Planning Director.

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(c) If the final plat is not filed for recordation within six months after final approval thereof, such approval shall be withdrawn and the plat marked void.

Sec. 25-38. Size; scale; number of prints; disposition; vicinity sketch.

The final subdivision plat shall be clearly and legibly drawn in black India ink. The size of the sheet shall not be larger than twenty-four inches by thirty-six inches, including a margin of one-half inch outside the ruled border lines at the top, bottom and right side, and one and one-half inches for binding on the left twenty-four-inch end of the sheet. The drawing shall be to a scale of one inch equals one hundred feet, unless otherwise authorized. If any part of the property proposed to be subdivided is within the corporate limits of the city, three prints on cloth or cloth-mounted prints and one transparent copy shall be submitted to the city manager. After approval, one print shall be returned to the owner or proprietor of the subdivision for recordation. If any part of the property is beyond the corporate limits of the city and within one and one-half miles thereof, two prints on cloth or cloth-mounted prints and one transparent copy shall be provided the city manager and two similar prints shall be submitted to the county governing body for approval, one of which shall be for recordation and the other retained for the county's records. When more than one sheet is necessary, an index sheet of the same size may be required, showing the entire subdivision. A sketch of the area in the vicinity of the subdivision on a small scale may also be required.

Sec. 25-39. Contents.

The final plat shall clearly show the following features and information:

(a) All plat boundary lines with the length of courses to hundredths of a foot and bearings to half minutes. These boundaries shall be determined by an accurate survey in the field, which shall be balanced and close with an error of closure of not to exceed one foot to ten thousand feet.

(b) The exact locations and the widths along the property lines of all existing or record streets intersecting or paralleling the boundaries of the tract.

(c) The accurate location and material of all permanent reference monuments.

(d) The exact layout, including: (1) Street and alley lines, street names, bearings, angles of intersection and widths (including widths along the line of any obliquely-intersecting street); (2) the lengths of arcs and radii, points of curvature and tangent bearings; (3) all easements or rights of way when provided for or owned by public services (with the limitation of the easement rights definitely stated on the plat); (4) all lot lines, with dimensions in feet and hundreds, and with bearings or angles, if other than right angles to the street and alley lines.

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(e) Lots numbered in numerical order and blocks lettered in alphabetical order. In case there is a resubdivision of lots in any block, such resubdivision lots shall be designated numerically, beginning with the number following the highest lot numbers in the block.

(f) The accurate outline of all property, which is offered for dedication for public use and of all property that may be reserved by covenant in deeds for the common use of the property owners in the subdivision, with the purpose indicated thereon.

(g) Front yard setback lines, unless controlled by zoning laws.

(h) The name of the subdivision and the name or number of the largest subdivision or tract of which the tract being subdivided forms a part.

(i) The names and locations of adjoining subdivisions and the ownership of adjoining unsubdivided property.

(j) The names and addresses of owners of record, the subdivider and the registered professional engineer or registered surveyor who prepared the plat.

(k) North point, scale and date.

(l) A statement that any lot transferred will have a minimum width and area as shown on the plat.

(m) The final subdivision plat shall also contain a statement to the effect that the subdivision (insert a correct description of the land subdivided) as appears on the plat is with the free consent and in accordance with the desire of the owners or proprietors of the land subdivided and the trustees in any deed of trust, mortgage or other instrumentality imposing a lien upon such land, if any, which shall be signed by such owners, proprietors and trustees and shall be duly acknowledged before some officer authorized to take acknowledgments of deeds.

Sec. 25-40. Certificates by surveyor or engineer.

(a) Every final subdivision plat shall be prepared by a surveyor or civil engineer duly licensed by the Commonwealth of Virginia, who shall endorse upon each such plat a certificate signed by him setting forth the source of title of the owner of the land subdivided and the place of record of the last instrument in the chain of title. When the plat is of land acquired from more than one source of title, the outlines of the several tracts shall be indicated upon such plat.

(b) The final subdivision plat shall also contain a certification by the surveyor or engineer who prepared the plat to the effect that the plat represents a survey made by him, that all monuments indicated thereon actually exist and that their location, size

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and material are correctly shown and that all requirements of this chapter have been fully complied with.

Sec. 25-41. Recordation.

(a) When a final subdivision plat has been approved, executed, and acknowledged as provided in this chapter, and before any sale, it shall be recorded in the office of the clerk of the court in whose office deeds conveying the land contained in the plat are required by law to be recorded, and shall be indexed under the names of the owners of the land and under the name of the subdivision.

(b) No final plat of a subdivision shall be recorded unless and until it shall have been submitted to and approved by the plat-approving authority and no clerk of a court shall file or record a plat of a subdivision until such plat has been approved by the plat-approving authority.

(c) For the purpose of this chapter, an area of land which has been physically marked off into building lots, and a plat of which has been recorded in the proper clerk's office, shall be deemed to be a subdivision in existence on September 25, 1952, but not otherwise.

NOTE: THIS VERSION OF THE WILLIAMSBURG SUBDIVISION ORDINANCE WAS COMPILED BY THE WILLIAMSBURG PLANNING DEPARTMENT, AND INCORPORATES THE ORIGINAL SUBDIVISION ORDINANCE AND SUBSEQUENT AMENDMENTS.

SEPTEMBER 1, 2005